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A TALE OF TWO DISTRICTS: LESSONS LEARNED FROM MISSOURI'S HUMAN TRAFFICKING TASK FORCES

INTRODUCTION

After passing the Trafficking Victims Protection Act (TVPA) in 2000, Congress opened the door to prosecutions of modern-day slavery. Specifically, from 2001 to 2008 the Civil Rights Division of the Department of Justice (DOJ) and U.S. Attorneys' offices "prosecuted 531 defendants, compared to 95 defendants charged during the prior eight years;" secured 518 convictions over the 76 obtained over the previous eight years; and "opened 1,005 new investigations, about 628 percent more than the 138 opened in the previous seven years."¹ Much of this increase is due to the efforts of human trafficking task forces led by local U.S. Attorneys' offices.² In fact, due to task force success, Congress recently required each U.S. Attorney's office to "establish or participate in a United States Attorney-led task force on human trafficking."³

The U.S. Attorney's Office in the Western District of Missouri has attracted particular attention for its innovative and aggressive prosecution of human trafficking crimes.⁴ Thanks in large part to Assistant U.S. Attorney Cynthia Cordes, the Western District of Missouri has prosecuted more human trafficking crimes than any other U.S. Attorney's office.⁵ To illustrate, the Western District was the first to utilize the TVPA to address the demand side of human trafficking by prosecuting customers of sex trafficking victims, and was the first to prosecute a parent for trafficking their own child.⁶ Additionally, the Western District prosecuted the act of advertising trafficking victims online and intra-state sex trafficking of children.⁷ The Western District was the first to combine the TVPA with the Racketeering Influenced and Corrupt

1. Mark J. Kappelhoff, *Federal Prosecutions of Human Trafficking Cases: Striking a Blow Against Modern Day Slavery*, 6 U. ST. THOMAS L.J. 9, 16 (2008).

2. *See id.* at 17.

3. Consolidated and Further Continuing Appropriations Act of 2012, Pub. L. No. 2112-55, § 105(a), 125 Stat. 552, 606 (2011).

4. *See discussion infra* Part IV.A.

5. Telephone Interview with Cynthia Cordes, Assistant U.S. Attorney W. Dist. of Mo., (Nov. 26, 2012) [hereinafter Cordes Interview] (on file with author) (explaining her office has prosecuted more human trafficking defendants than any other U.S. Attorney's office).

6. U.S. Attorney's Office W. Dist. of Mo., U.S. Dept. Justice, *Human Trafficking Rescue Project*, <http://www.justice.gov/usao/mow/programs/humantrafficking.html> (last visited Apr. 22, 2014).

7. *Id.*

Organizations Act (RICO), and utilized the newly enacted fraud in foreign labor contracting statute to charge an international trafficking enterprise.⁸ Integral to the District's success was the establishment of the Human Trafficking Task Force⁹ and receipt of two \$450,000 DOJ grants.¹⁰ Due to its prosecutorial achievements, the DOJ named the Western District one of six districts chosen to participate in the DOJ's Anti-Trafficking Coordination Teams (ACTeam) initiative.¹¹

However, the Eastern District of Missouri is equally, if not more, prone to human trafficking crimes than the Western District. In 2005, the Federal Bureau of Investigation (FBI) identified St. Louis as one of fourteen field offices having the highest incidence of child prostitution.¹² A 2006 DOJ Report cited St. Louis as one of the nation's top twenty most intense trafficking jurisdictions.¹³ Manna Freedom named St. Louis one of the top ten cities in the United States where human trafficking is the worst¹⁴ and calls from St. Louis to the National Human Trafficking Resource Center (NHTRC) consistently outnumber any other city in Missouri.¹⁵ Discrepancies between the Western District's prosecutions and the need for such prosecutions in the Eastern District give rise to the following questions: How did the Western District become a leader of human trafficking prosecutions? What resources helped the Western District in its prosecutions? And ultimately, what lessons may be learned from Missouri's human trafficking task forces?

To address these questions, this article will first analyze the development and implementation of the TVPA, under which U.S. Attorneys' offices have legal authority to prosecute human trafficking crimes. The article will then look to the structure of the Civil Rights Division of the DOJ and how its initiatives and funding have been distributed in both districts. Analysis of underlying political issues surrounding human trafficking will be examined to complete the picture of human trafficking initiatives. The article will then assess each district: its beginnings, key players, cases, and funding. Lastly, the

8. *Id.*

9. Glenn E. Rice, *Task Force to Fight Human Trafficking - Effort Will Focus on Illegal Sex Trade and Forced Labor*, KANSAS CITY STAR, May 25, 2006, at B3.

10. Kevin Hoffman, *Agencies Get Grants to Fight Trafficking*, KANSAS CITY STAR, Oct. 7, 2006, at 14.

11. Mark Morris, *New Federal Initiative Targets Human Trafficking in Western Missouri, Kansas*, KANSAS CITY STAR, July 26, 2011, at A6.

12. *Exploiting Americans on American Soil: Domestic Trafficking Exposed: Before the Comm'n on Sec. and Cooperation in Eur.*, 109th Cong. 6-7 (2005) (statement of Chris Swecker, Assistant Director, Criminal Investigation Division, Federal Bureau of Investigation).

13. U.S. DEP'T OF JUSTICE, REPORT ON ACTIVITIES TO COMBAT HUMAN TRAFFICKING: FISCAL YEARS 2001-2005, at 35 (2006).

14. *What is human trafficking?*, MANNA FREEDOM, <http://www.mannafreedom.com/get-informed-about-human-trafficking/what-is-human-trafficking/> (last visited Apr. 22, 2014).

15. *See infra* note 216.

article will discuss lessons learned from the two districts and advocate a shift of DOJ priority to the Eastern District of Missouri.

I. DEVELOPMENT AND EVOLUTION OF THE TVPA AND SUBSEQUENT REAUTHORIZATION ACTS

Support for the TVPA gained momentum thanks to a diverse group of so-called “nonprofessional criminal justice interest groups.”¹⁶ This group included feminist organizations, human rights organizations, democracy-building organizations, social service providers (for refugees, prostitutes, and others), and religious organizations, as well as academics, journalists, and government agencies with related missions.¹⁷ Typically, each interest group encountered the trafficking problem in the course of its respective area of concern.¹⁸ The groups were politically diverse, but concern about human trafficking crossed ideological lines.¹⁹

Representative Chris Smith (R-NJ) introduced House Resolution 3244 in the House of Representatives on November 8, 1999.²⁰ The bill set out to “combat trafficking of persons . . . through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking.”²¹ This purpose came to be known as the “Three P” paradigm: prevention, prosecution and protection.²² After passing in the House and Senate, President Clinton signed the bill into law just months before leaving office.²³

Specific to criminal actions, the TVPA created new felony criminal offenses “with respect to slavery or peonage [debt bondage]; sex trafficking in children; and unlawful confiscation of the victim’s passport or other documents in furtherance of the trafficking scheme.”²⁴ It also created a new “forced labor” felony, which provided prosecutors the tools needed to prosecute nonphysical coercion used by traffickers to exploit their victims.²⁵

16. Barbara Ann Stolz, *Educating Policymakers and Setting the Criminal Justice Policymaking Agenda: Interest Groups and the “Victims of Trafficking and Violence Act of 2000,”* 5(4) CRIM. JUST. 407, 419 (2005).

17. *Id.*

18. *Id.*

19. *Id.* at 420.

20. 145 CONG. REC. H11702 (1999) (introduction of bill by Rep. Chris Smith).

21. *Id.*

22. ANTHONY DEStEFANO, *THE WAR ON HUMAN TRAFFICKING: U.S. POLICY ASSESSED* 128 (2007).

23. *See* Statement on Signing the Victims of Trafficking and Violence Protection Act of 2000, 3 PUB. PAPERS 2352, 2352 (Oct. 28, 2000) (statement by President Clinton) [hereinafter Presidential Papers].

24. *Id.*

25. *Id.*

The following are typical examples of nonphysical coercion: physical restraint of victims, threats to the victim's family, threats the victim will be shunned by his/her family, or threats the victim will be turned over to immigration authorities.²⁶ Sponsors hoped these newly enacted criminal provisions combined with tougher sentences would assist federal prosecutors in ensuring that traffickers were convicted and appropriately punished for their crimes.²⁷

Congress reauthorized the TVPA in 2003, broadening the offense of human trafficking to include enticing, recruiting, harboring, providing, obtaining, or transporting a person for sex trafficking.²⁸ The Trafficking Victims Protection Reauthorization Act (TVPRA) of 2003 also provided trafficking victims with a civil cause of action against their traffickers in order to recover damages and attorneys fees.²⁹ Finally, the 2003 reauthorization amended the trafficking visa (T-visa) requirements to make it easier for more victims and their families to remain in the United States,³⁰ and expanded federal jurisdiction over human trafficking crimes to include crimes affecting foreign commerce and crimes in international waters.³¹

The TVPRA of 2005 did little to expand the domestic criminal provisions of the TVPA. Instead, the TVPRA of 2005 charged the Attorney General to carry out a biennial comprehensive research, statistical review, and analysis of 1) severe forms of trafficking in persons, and 2) sex trafficking and unlawful commercial sex acts in the United States.³² Reports of each study were to be submitted to Congress.³³ The intended focus for both studies was concrete number production, including numbers of estimated victims of trafficking, numbers of investigations/prosecutions, estimated value in dollars of the trafficking economy, etc.³⁴ Based on these studies the Attorney General was also to conduct biennial conferences to announce the study's findings and disseminate best practices for enforcing laws, train state and local law enforcement, and encourage collaborative efforts between government and non-government entities.³⁵ In addition, the 2005 TVPRA established a grant

26. Terry Coonan, *The Trafficking Victims Protection Act: A Work in Progress*, 1 INTERCULTURAL HUM. RTS. L. REV. 99, 104 (2006).

27. See Presidential Papers, *supra* note 23, at 2354.

28. Lindsay Strauss, Adult Domestic Trafficking and the William Wilberforce Trafficking Victims Protection Reauthorization Act, 19 CORNELL J.L. & PUB. POL'Y 495, 502 (2010) (referring to 18 U.S.C. § 1591(b) (2006)).

29. *Id.* (referring to 18 U.S.C. § 1595 (2006)).

30. *Id.* (referring to 8 U.S.C. § 1101(a)(15)(T)(i)(III)(bb) (2006)).

31. *Id.* (referring to 18 U.S.C. § 1591(a)(1) (2006)).

32. Trafficking Victims Protection Reauthorization Act of 2005, Pub. L. No. 109-164, 119 Stat. 3558 (Jan. 10, 2006).

33. *Id.*

34. See *id.*

35. See *id.*

program to strengthen state and local anti-trafficking efforts through enhanced collaboration between law enforcement agencies and non-government organizations, as well as through discretionary grants aimed at encouraging thorough investigations and prosecutions of domestic trafficking cases.³⁶

The William Wilberforce TVPRA of 2008 included several key provisions pertaining to criminal offenses.³⁷ One of the most important new additions was a conspiracy statute, which equalized a conspirator's penalty to the penalty of the substantive offense.³⁸ Also, the Act penalized those who knowingly benefitted financially from participating in a trafficking crimes venture.³⁹ The 2008 legislation broadened the crime of sex trafficking by expanding the *mens rea* requirement to include reckless disregard as well as knowledge.⁴⁰ The Act also eliminated the knowledge-of-age requirement for sex trafficking of minors in certain instances.⁴¹ Furthermore, the Act criminalized and severely penalized obstructions or attempted obstructions to human trafficking offenses.⁴² Finally, the Act prohibited fraud in foreign labor contracting.⁴³

The William Wilberforce TVPRA of 2008 expired in September 2011.⁴⁴ Soon thereafter, the House and Senate both proposed bills for the TVPA's reauthorization.⁴⁵ Although stalled by political gridlock,⁴⁶ the TVPA was successfully reauthorized in 2013 as an amendment to the Violence Against Women Reauthorization Act of 2013.⁴⁷ This new reauthorization created programs to help foreign governments investigate labor recruitment centers, promoted the National Human Trafficking Resource Center hotline number, created programs to assist minor victims, and prohibited the provision of peacekeeping operation funds to countries utilizing child soldiers.⁴⁸

Forty-one days before the 2012 presidential election, President Obama spoke to the Clinton Global Initiative concerning renewed promises to make

36. *See id.*

37. *See* KEVIN BALES & RON SOODALTER, *THE SLAVE NEXT DOOR* viii–xi (2009) (citing Robert Moossey, Director, and Hilary Aham, Special Litigation Counsel, Human Trafficking Prosecution Unit, U.S. Dep't of Justice, internal memo (Jan. 12, 2009)).

38. *Id.* at ix (referring to 18 U.S.C. §§ 1581, 1583, 1589, 1590, 1591, 1592 (2000)).

39. *Id.* (referring to 18 U.S.C. §§ 1581, 1589, 1591, 1592 (2000)).

40. *Id.* (referring to 18 U.S.C. § 1591 (2000)).

41. *Id.* at x.

42. *Id.*

43. BALES & SOODALTER, *supra* note 37, at xi (referring to 18 U.S.C. § 1351 (2000)).

44. *See* 22 U.S.C. § 7110 (2008).

45. HR 2830, 112th Cong. (2011); S. 1301, 112th Cong. (2011).

46. *See* Jonathan Serrie, *Gridlock in Congress Stalls Anti-Human Trafficking Bill*, FOX NEWS (Oct. 2, 2012), <http://www.foxnews.com/politics/2012/10/02/gridlock-in-congress-over-human-trafficking/>.

47. HR 898, 113th Cong. (2013).

48. 42 U.S.C. §§ 1203, 1208, 1231, 1233 (2008).

human trafficking a top priority.⁴⁹ In his speech, the president renewed his dedication to the “Three P” paradigm by promising a new assessment of human trafficking to better understand the problem’s scope, harness technology to stop traffickers, and “do even more” to help victims recover and rebuild their lives.⁵⁰ In addition, the president also announced a new executive order containing potentially game-changing provisions that will help enforce the government’s existing zero-tolerance policy.⁵¹ These new rules forbid all contractors from charging new employees recruitment fees that often lead to indebtedness to loan sharks, misleading employees about living conditions and housing, denying access to passports, or failing to pay transportation costs so employees can return home.⁵²

In response to the president’s executive order, House GOP members criticized the president for politicizing human trafficking.⁵³ Some members expressed frustration at the president’s actions to undermine the legislative process by issuing a temporary executive order; other members considered the speech “political hype.”⁵⁴ Additionally, House Oversight and Government Affairs Committee Chairman Darrell Issa (R-CA) stated, “[w]hile President Obama’s executive order borrows many components from Congress’ legislative effort, it does not include the most important part: expanding the criminal code to encompass foreign labor bondage for work performed outside the U.S. and cracking down on grants and grantees as well as just contractors.”⁵⁵

This kind of political bickering from both sides of the aisle shows that, while human trafficking efforts have generally enjoyed bi-partisan support, disputes remain. As this article will show, recurring intersections of politics and human trafficking agendas are lurking in the background of most every human trafficking initiative, including funding provided to local agencies and DOJ prioritizing of U.S. Attorneys’ offices.

49. Barack Obama, President of the United States, Remarks by the President to the Clinton Global Initiative (Sept. 25, 2012), *available at* <http://www.whitehouse.gov/the-press-office/2012/09/25/remarks-president-clinton-global-initiative>.

50. *Id.*

51. Editorial, *To Combat ‘Modern Slavery,’* N.Y. TIMES, Oct. 2, 2012, at A30.

52. *Id.*

53. Pete Kasperowicz, *House GOP Accuses Obama of Politicizing Human Trafficking with Executive Order*, THE HILL (Sept. 25, 2012), <http://thehill.com/blogs/floor-action/house/258607-house-gop-accuses-obama-of-politicizing-human-trafficking-with-executive-order>.

54. *Id.*

55. *Id.*

II. THE ROLE OF VARIOUS GOVERNMENT AGENCIES TO COMBAT DOMESTIC HUMAN TRAFFICKING

Although many government agencies work to combat human trafficking, only a few will be analyzed for the purpose of this article.⁵⁶ The government agencies discussed below are of interest due mainly to their link to local U.S. Attorneys' offices.

A. *Department of Justice's Civil Rights Division - Prosecution*

According to the Department of State, the DOJ's Civil Rights Division's Criminal Section has the primary responsibility for the forced labor, sex trafficking, involuntary servitude and peonage statutes.⁵⁷ It works closely with the FBI, Department of Homeland Security (DHS), other federal and local law enforcement agencies, U.S. Attorneys' offices, and the Criminal Division's Child Exploitation and Obscenity Section (CEOS) to investigate and prosecute cases of trafficking in persons and worker exploitation.⁵⁸ Additionally, the Bureau of Justice Assistance (BJA) funds domestic programs such as the human trafficking task forces.⁵⁹

To combat human trafficking, BJA's efforts have been two-pronged: 1) to develop training for law enforcement and communities to identify trafficking in persons and rescue victims by working with federal law enforcement and victim service providers; and 2) to support and fund task forces (in coordination with Office for Victims of Crime (OVC) and Department of Health and Human Services (HHS) based on a sound strategy of collaboration among state and local law enforcement, trafficking victim service providers, federal law enforcement, and U.S. Attorneys' offices.⁶⁰ Since 2004, BJA has funded a total of forty-two Anti-Human Trafficking Task Forces.⁶¹ Those task forces have identified 3,336 potential victims of human trafficking and have requested either continued presence or endorsed T-visa applications for 397 of

56. One agency certainly worth mentioning is the Department of State's Office to Monitor and Combat Trafficking in Persons (TIP). The TIP Office's purpose is to engage foreign governments regarding human trafficking issues, serve as a liaison to Congress, the media, NGOs, other U.S. government agencies, corporations, academia, research institutes, and the general public, and to support international efforts to combat human trafficking. *See* U.S. DEPT. OF STATE, <http://www.state.gov/j/tip/about/index.htm>.

57. *Overview of U.S. Government Agencies' Principal Roles to Combat Trafficking in Persons*, U.S. DEP'T OF STATE, <http://www.state.gov/j/tip/rls/fs/2009/121594.htm> (last visited Apr. 22, 2014) [hereinafter *Overview*].

58. *Id.*

59. *Id.*

60. *Anti-Human Trafficking Task Force Initiative*, BUREAU OF JUSTICE ASSISTANCE, https://www.bja.gov/ProgramDetails.aspx?Program_ID=51 (last visited Apr. 22, 2014).

61. *Id.*

those potential victims.⁶² The task forces have also trained 85,685 law enforcement officers and community members in identifying the signs of human trafficking and its victims.⁶³ Currently, BJA, is funding thirteen Anti-Human Trafficking Task Forces.⁶⁴ In Missouri, neither the Human Trafficking Task Force in the Eastern District nor the Human Trafficking Rescue Project in the Western District is funded by the BJA.

In 2007, the Civil Rights Division created the Human Trafficking Prosecution Unit (HTPU) to consolidate the expertise of some of the nation's top human trafficking prosecutors.⁶⁵ HTPU prosecutors work closely with Assistant U.S. Attorneys and law enforcement agencies to streamline trafficking investigations, ensure consistent application of trafficking statutes, and identify multijurisdictional trafficking networks.⁶⁶ Cynthia Cordes, Assistant U.S. Attorney and Human Trafficking Task Force Coordinator in the Western District, has consulted and worked with HTPU attorneys on several cases, including the Giant Labor Solutions case discussed herein.⁶⁷ Noelle Collins,⁶⁸ Assistant U.S. Attorney and coordinator of the Human Trafficking Task Force in the Eastern District, has also consulted with the HTPU.⁶⁹

B. Department of Health and Human Services—Victim Services & Public Awareness

Once victims of human trafficking are identified, HHS is responsible for their certification.⁷⁰ HHS issues certification letters for foreign adult trafficking victims to confer eligibility for certain benefits and services of federally funded programs.⁷¹ HHS issues similar letters of eligibility to foreign minor trafficking victims, who can be referred to the Unaccompanied Refugee Minors Program

62. *Id.*

63. *Id.*

64. *Id.*

65. *Human Trafficking Prosecution Unit*, U.S. DEP'T OF JUSTICE, <http://www.justice.gov/crt/about/crm/htpu.php> (last visited Apr. 22, 2014).

66. *Id.*

67. Cordes Interview, *supra* note 5; Press Release, Office of the U.S. Attorney, W. Dist. of Mo., RICO Indictment, Human Trafficking Rescue Project: Eight Uzbekistan Nationals Among 12 Charged with Racketeering, Human Trafficking, Immigration Violations (May 27, 2009) [hereinafter RICO Press Release], <http://www.justice.gov/usao/mow/news2009/giantlabor.ind.htm>.

68. After leading the Eastern District's Human Trafficking Task Force for almost three years, Collins was recently selected as a magistrate judge for the Eastern District of Missouri. She is expected to take office November 2013. See Nancy Cambria, *Assistant U.S. Attorney Noelle Collins to be a Federal Judge*, ST. LOUIS POST-DISPATCH, July 14, 2013, at A2.

69. Interview with Noelle Collins, Assistant U.S. Attorney E. Dist. of Mo., in St. Louis, Mo. (Jan. 7, 2013) [hereinafter Collins Interview] (on file with author).

70. *Overview*, *supra* note 57.

71. *Id.*

for foster care placement, when appropriate.⁷² HHS funding focuses on victim assistance, increasing awareness, and identifying foreign and domestic trafficking victims.⁷³ Through the HHS Per-Capita Services contract, HHS provides “anytime, anywhere” services to foreign human trafficking victims, even prior to certification.⁷⁴ HHS also funds the Rescue & Restore Victims of Human Trafficking public awareness campaign and the National Human Trafficking Resource Center with a referral hotline.⁷⁵ In the Eastern District, funding from HHS is given to the International Institute of St. Louis for the formation and maintenance of the Eastern Missouri, Southern Illinois Rescue and Restore Consortium.⁷⁶ Despite hoping the ACTeam designation would bring more funding, the Western District has not received funds for its coalition.⁷⁷

C. FBI - Law Enforcement and Investigation

Since 2009, FBI pending human trafficking cases have increased from 167 to 459 by the end of 2012.⁷⁸ Over the same period, FBI human trafficking investigations resulted in 480 arrests, 336 indictments, and 258 convictions.⁷⁹ To ensure successful cases, the FBI works with a variety of public and private entities in joint task forces that combine resources and expertise.⁸⁰ Today, the FBI participates in 88 human trafficking task forces around the nation.⁸¹ Victim Specialists (along with Victim Specialists from U.S. Attorneys’ offices and/or other non-government victim assistance service providers) work with human trafficking victims to advise them of their rights as victims, and assure they get the help they need to address their short-term and long-term needs—like legal and repatriation services, immigration relief, housing, employment, education, job training, and child care.⁸² The U.S. Attorney’s Office in both districts of Missouri utilize FBI resources and expertise.⁸³

72. *Id.*

73. *Id.*

74. *Id.*

75. *Id.*

76. See *infra* note 276 and accompanying text.

77. Interview with Caroline Germann, Trafficking Specialist, Synergy Services, Inc., in Kansas City, Mo. (Oct. 23, 2012) [hereinafter Germann Interview] (on file with author).

78. *Human Trafficking—FBI Initiatives*, FBI, http://www.fbi.gov/about-us/investigate/civil-rights/human_trafficking/initiatives (last visited Apr. 22, 2014).

79. *Id.*

80. *Id.*

81. *Id.*

82. *Id.*

83. Cordes Interview, *supra* note 5; Collins Interview, *supra* note 69.

III. HUMAN TRAFFICKING AS PART OF A POLITICAL AGENDA

After Bush was elected in 2000, the president made human trafficking a top priority.⁸⁴ Time, staff, and resources were moved from hate crimes and police abuse cases to human trafficking cases.⁸⁵ As described by Al Moskowitz, Section Chief of the Civil Rights Division in 2000, there were two main reasons for this: 1) there was a genuine interest in investigating and prosecuting a crime that was supposed to have ended 150 years ago, and 2) the federal government found a campaign against slavery to be “politically attractive.”⁸⁶ According to Moskowitz, “more and more resources were being pushed into trafficking” as the government urged the DOJ to prosecute more trafficking cases.⁸⁷ “They were clearly making a choice on priorities,” Moskowitz explained, “and there was a lot of pressure to produce.”⁸⁸ The pressure to produce results, however, is not specific to the Bush Administration, nor is the political agenda specific to top officials within the Civil Rights Division of the DOJ. Former Acting U.S. Attorney in the Western District of Missouri, Matt Whitworth, explained, “Eric Holder is encouraging U.S. Attorneys’ offices to pursue these cases and has shown a great deal of interest in more and more of this type of prosecution.”⁸⁹

The political pressure to produce results of human trafficking cases has sparked inquiries into whether the human trafficking problem is as extensive as the DOJ describes.⁹⁰ For example, a *Washington Post* article entitled “Human Trafficking Evokes Outrage, Little Evidence” questions the State Department’s estimate of 50,000 domestic victims each year and argues the human trafficking problem has been blown out of proportion.⁹¹ Legal scholars have also inquired into the prevalence of trafficking victims.⁹² In an article entitled “Where are the Victims? The Credibility Gap in Human Trafficking Research,” Johnny McGaha explains, “[un]fortunately, existing research on human trafficking has yet to move the field beyond estimating the scale of the problem and the difficulty of determining how to count human-trafficking

84. BALES & SOODALTER, *supra* note 37, at 245.

85. *Id.*

86. *Id.*

87. *Id.*

88. *Id.*

89. Andrew Ramonas, *RICO Used in Human Trafficking Case for First Time*, MAIN JUST. (Aug. 17, 2009) <http://www.mainjustice.com/2009/08/17/rico-used-in-human-trafficking-case-for-first-time/>.

90. See generally Johnny E. McGaha & Amanda Evans, *Where are the Victims? The Credibility Gap in Human Trafficking Research*, 4 INTERCULTURAL HUM. RTS. L. REV. 239 (2009); Jerry Markon, *Human Trafficking Evokes Outrage, Little Evidence: U.S. Estimates Thousands of Victims, But Efforts to Find Them Fall Short*, WASH. POST, Sept. 23, 2007, at A1.

91. See Markon, *supra* note 90.

92. See McGaha & Evans, *supra* note 90, at 240.

victims.”⁹³ Adding to the controversy, the government itself has backtracked its initial estimate of trafficked victims. In 1999, a study sponsored by the Central Intelligence Agency (CIA) estimated that 50,000 trafficking victims entered the United States each year.⁹⁴ However, over time the estimate was cut in half.⁹⁵ By 2005, different methods of calculation had dropped the number to around 17,000.⁹⁶

Although estimated numbers of trafficked victims have come under attack, local U.S. Attorneys’ offices prove the prevalence of the crime by human trafficking cases prosecuted. For example, from 2001 to 2008 the DOJ Civil Rights Division and U.S. Attorneys’ offices prosecuted 531 defendants, secured 518 convictions and guilty pleas, and opened 1,005 new investigations.⁹⁷ When asked to explain the discrepancy between estimated numbers of victims and cases prosecuted, Brad Schlozman, former U.S. Attorney for the Western District, explains, “all of the sudden a number is thrown out there and it takes on a life of its own. I never put a great deal of stock in the numbers that were thrown out there in terms of victims in the U.S. . . .”⁹⁸ St. Louis Rescue and Restore Coalition Coordinator Abby Howard noted specifically to the St. Louis region, “we may not be talking about thousands of cases, but we are talking about hundreds.”⁹⁹

IV. A COMPARISON: WESTERN DISTRICT V. EASTERN DISTRICT

A. *Western District*

1. The Establishment and Development of the Human Trafficking Rescue Project

The history of the Human Trafficking Rescue Project in the Western District begins with a shake-up of leadership. In 2006, the Bush Administration became engrossed in a highly controversial U.S. Attorney scandal.¹⁰⁰ As a result, the Western District’s U.S. Attorney, Todd Graves, lost his job and Brad

93. *Id.* at 266.

94. DESTEFANO, *supra* note 22, at xvii.

95. *Id.*

96. *Id.*

97. Kappelhoff, *supra* note 1.

98. Telephone Interview with Brad Schlozman, Former U.S. Attorney W. Dist. of Mo. (Nov. 9, 2012) [hereinafter Schlozman Interview] (on file with author).

99. Interview with Abby Howard, Organizer, St. Louis Rescue & Restore Coalition, in St. Louis, Mo. (Sept. 14, 2012) (on file with author). Abby Howard is not the coordinator as of the date of this publication.

100. Dan Eggen, *U.S. Attorney Firings Set Stage for Congressional Battle*, WASH. POST, Feb. 4, 2007, at A07, available at <http://www.washingtonpost.com/wp-dyn/content/article/2007/02/03/AR2007020301349.html>.

Schlozman was appointed as his replacement.¹⁰¹ As a top official in the Justice Department's Civil Rights Division, Schlozman was one of the Bush Administration's point men on human trafficking, traveling throughout the world to raise awareness of it.¹⁰² Schlozman took his experience in the Civil Rights Division to Kansas City and made human trafficking a top priority in the Western District of Missouri.¹⁰³

After announcing human trafficking as a priority, Cynthia Phillips (now Cynthia Cordes), was chosen as the leader on the project.¹⁰⁴ One month after human trafficking was made a priority in the district, a human trafficking task force was formed.¹⁰⁵ The task force set out to "raise public awareness, share information, assist those victimized by human trafficking and prosecute those accused of coercing individuals into the illegal sex trade or forced labor."¹⁰⁶ As Cordes explains, the project began with mixed emotions: while wanting the initiative to be successful, they hoped no cases would be discovered.¹⁰⁷

Two months after Schlozman announced human trafficking as a priority and one month after the announcement of the human trafficking task force, the Western District filed its first trafficking case against defendant Don Elbert.¹⁰⁸ According to an affidavit prepared by Kansas City police, an undercover vice detective talked to one of three teenaged sisters, and she agreed to perform a sex act in exchange for twenty dollars.¹⁰⁹ The three sisters, who had run away from home, told police they had been working as prostitutes for Elbert in exchange for food, clothing, and a place to live.¹¹⁰ Authorities said Elbert met the girls about a month prior and had them work on a nightly basis.¹¹¹ The girls told police Elbert kept all of the money they made and never provided them

101. Editorial, *ON POLITICS: Who Could Blame Graves for Leaving When He Did?*, KANSAS CITY STAR, Apr. 29, 2007, at B3.

102. Mark Morris, *New U.S. Attorney Adds to Priorities*, KANSAS CITY STAR, Apr. 20, 2006, at B1.

103. See Schlozman Interview, *supra* note 98.

104. *Id.*

105. Rice, *supra* note 9.

106. *Id.*

107. Cordes Interview, *supra* note 5. (Statements expressed by Cynthia Cordes are her personal views and opinions; the opinions herein should not be interpreted as the opinions or views of the Department of Justice). At the time of this publication, Cynthia Cordes left her position at the U.S. Attorney's Office and became partner at a private firm. *Federal Human Trafficking Prosecutor in Kansas City will join Husch Blackwell*, KANSAS CITY STAR (Sept. 3, 2014) <http://www.kansascity.com/2013/09/03/4454647/federal-prosecutor-in-kansas-city.html>.

108. Tony Rizzo, *Man Charged as Teen Pimp – Federal Prosecutors Filed Human – Trafficking Charges Against Him on Friday*, KANSAS CITY STAR, June 24, 2006, at B1.

109. *Id.*

110. *Id.*

111. *Id.*

with condoms.¹¹² When asked to explain how a case was found so quickly after the initiative was announced, Cordes attributed the quick turnaround to law enforcement trainings that she began immediately after the task force was formed.¹¹³

Four months after filing its first human trafficking case, the Western District received two \$450,000 grants over a three-year period.¹¹⁴ The Bureau of Justice Assistance awarded the grants to the Independence Police Department and Hope House, a domestic violence shelter.¹¹⁵ When each grant expired in 2009, neither the Independence Police Department nor Hope House reapplied for funds.¹¹⁶ Hope House's reasons for not re-applying for funds can be pieced together from several sources. According to a *Kansas City Star* article, Hope House was accused by the U.S. Attorney's Office of inflating the number of trafficked victims it helped.¹¹⁷ In response, Hope House maintained it was in compliance with the grant's requirements and received its victim referrals from a variety of sources.¹¹⁸ Although Hope House refused to comment on the discrepancy, Caroline Germann, Trafficking Specialist at Synergy Services, Inc. explains "[u]nder that grant, [Hope House] could only count numbers of cases that were referred to them by the U.S. Attorney's Office; they could not self-identify."¹¹⁹ Additionally, under the TVPA at the time, funding was only allocated to international victims.¹²⁰ As a result, Hope House was holding beds for foreign victims who never came.¹²¹

According to Major Ken Jarnagin of the Independence Police Department, additional funds were not sought for the department because it shifted its focus to child pornography and child exploitation cases after Operation Guardian Angel.¹²² Jarnagin explains, "It was a juggling act; which priority do we focus on? We felt like our department and citizens would be better served by [police

112. *Id.*

113. Cordes Interview, *supra* note 5.

114. Hoffman, *supra* note 10.

115. *Id.*

116. Laura Bauer & Mike McGraw, *Two Agencies Won't Seek Federal Funds in Effort Against Human Trafficking*, KANSAS CITY STAR, Feb. 3, 2010, at A4.

117. Mike McGraw & Laura Bauer, *Referrals Cease to Hope House Local Shelter*, KANSAS CITY STAR, Dec. 13, 2009, at A17, available at <http://www.kansascity.com/2009/12/12/1626968/referrals-cease-to-hope-house.html>. Hope House claimed it helped sixty victims of human trafficking. *Id.*

118. *Id.*

119. Germann Interview, *supra* note 77.

120. *Id.*

121. *Id.*

122. Interview with Major Ken Jarnagin, Independence Police Department, in Independence, Mo., (Oct. 22, 2012) [hereinafter Jarnagin Interview] (on file with author). See discussion *infra* Part IV.A.2(ii) (explaining Operation Guardian Angel as a police sting operation used to prosecute customers of sex trafficking).

officers] doing cyber-crimes rather than human trafficking. In a perfect world we would have tried to do both.”¹²³ As a result of the focus shift, two of the three human trafficking detectives were assigned to cyber-crimes.¹²⁴ The third detective, whose salary was provided by the DOJ human trafficking grant, was let go.¹²⁵

When asked about the effect of the Independence Police Department lacking federal funds, Cordes explained that the department and others now have to work human trafficking cases amongst other crimes (e.g., prostitution stings).¹²⁶ This means resources are stretched thin and things get overlooked or missed.¹²⁷ She further explained that, because human trafficking crimes are labor intensive, it helps to have an officer dedicated specifically to that crime.¹²⁸ Cordes went on to say, while still receiving excellent referrals from the Independence Police Department, most human trafficking leads received by the Western District today come from the public.¹²⁹

In 2011, the Justice Department announced an internal competition among its districts around the country to qualify for one of six ACTeams.¹³⁰ According to the DOJ:

[ACTeams], which [are] comprised of federal prosecutors and federal agents from the participating federal enforcement agencies, will implement a law enforcement strategic action plan to combat identified human trafficking threats. The ACTeams will focus on developing federal criminal human trafficking investigations and prosecutions to protect the rights of human trafficking victims, bringing traffickers to justice and dismantling human trafficking networks.¹³¹

As Cordes explained, Attorney General Eric Holder encouraged the Western District to apply because the Western District was the top prosecutor of human trafficking crimes at the time.¹³² The Justice Department wanted to know how the Western District’s task force could take things “to the next level.”¹³³ The

123. Jarnagin Interview, *supra* note 122.

124. Bauer & McGraw, *Two Agencies Won’t Seek Federal Funds in Effort Against Human Trafficking*, *supra* note 116.

125. Jarnagin Interview, *supra* note 122.

126. Cordes Interview, *supra* note 5.

127. *Id.*

128. *Id.*

129. *Id.*

130. Mark Morris, *New Federal Initiative Targets Human Trafficking in Western Missouri*, *Kansas*, KANSAS CITY STAR, July 26, 2011, at A6.

131. Press Release, Dep’t of Justice, *Departments of Justice, Homeland Security and Labor Announce Selection of Anti-Trafficking Coordination Teams*, (Jul. 25, 2011) [hereinafter ACTeam Announcement], available at <http://www.justice.gov/opa/pr/2011/July/11-crt-963.html>.

132. Cordes Interview, *supra* note 5.

133. *Id.*

Western District applied, pitching the idea of a partnership with the Eastern District of Missouri and Kansas.¹³⁴ On July 25, 2011, the Justice Department announced the Western District of Missouri as one of its ACTeam designations.¹³⁵ While the District's Project was hoping this designation would come with additional funding, ACTeam districts have not been funded.¹³⁶

2. Western District Key Cases

The Western District has initiated aggressive and creative methods of prosecuting human trafficking perpetrators.¹³⁷ The district's website boasts it was the first to utilize the TVPA to address the demand side of human trafficking by also prosecuting the customers of sex trafficking victims, broke new ground by being the first to prosecute a parent for trafficking their own child, to charge the act of advertising trafficking victims online, and to utilize the TVPA to prosecute intra-state sex trafficking of children.¹³⁸ The website further claims the Western District was "the first to combine the TVPA with the Racketeering Influenced and Corrupt Organizations Act (RICO) and to utilize the newly enacted fraud in foreign labor contracting statute to charge an international trafficking enterprise."¹³⁹ The below analysis of several key cases will highlight this prosecutorial creativity.¹⁴⁰

i. The Use of RICO - Giant Labor Solutions

The Racketeer Influenced and Corrupt Organizations Act "is a federal law provid[ing] for extended criminal penalties for acts performed as part of an ongoing criminal organization, or enterprise."¹⁴¹ "Under RICO, a person who is a member of an enterprise that has committed any two of [thirty-five crimes] ([twenty-seven] federal crimes and [eight] state crimes) within a [ten]-year period can be charged with racketeering."¹⁴² Those found guilty of racketeering may be sentenced up to twenty years in prison and/or fined up to \$250,000.¹⁴³ In addition, the racketeer must forfeit all ill-gotten gains and

134. *Id.*

135. ACTeam Announcement, *supra* note 131. Other districts selected included: Atlanta, GA; El Paso, TX; Los Angeles, CA; Memphis, TN; and Miami, FL. *Id.*

136. Cordes Interview, *supra* note 5.

137. *Human Trafficking Rescue Project*, U.S. ATTORNEY'S OFFICE W. DIST. OF MO., DEP'T OF JUSTICE <http://www.justice.gov/usao/mow/programs/humantrafficking.html> (last visited Apr. 22, 2014).

138. *Id.*

139. *Id.*

140. See *infra* notes 141–91 and accompanying text.

141. RICO Press Release, *supra* note 67.

142. *Id.*

143. *Id.*

interest in any business gained through racketeering activity.¹⁴⁴ Although Congress amended RICO in 2003 to add human trafficking crimes as predicate offenses for the purpose of establishing racketeering activity,¹⁴⁵ it took prosecutors six years to utilize this valuable tool.¹⁴⁶

In May 2009, the Western District became the first U.S. Attorney's office in the nation to utilize RICO in conjunction with human trafficking charges under the TVPA.¹⁴⁷ The indictment was filed against twelve individual defendants and three companies alleging racketeering, visa fraud, marriage fraud, identity theft, and other counts in a scheme that involved forced labor trafficking and immigration violations.¹⁴⁸ According to the indictment, beginning in 2001 the enterprise lured foreign nationals into the United States with promises of visas and employment.¹⁴⁹ The defendants charged the foreign nationals exorbitant amounts for these services and were then forced to work for the criminal enterprise to pay off their debts.¹⁵⁰ The enterprise – based out of companies headquartered in Kansas City, Mission and Overland Park – employed hundreds of illegal aliens as construction workers, cleaners, and housekeepers at hotels, resorts, and casinos all over the United States.¹⁵¹ The defendants also required their “employees” to reside together in crowded, substandard, and overpriced apartments.¹⁵² Most of the workers came from Jamaica, the Dominican Republic, and the Philippines.¹⁵³

ii. Prosecuting Johns of Minors- Operation Guardian Angel

In 2009, the Kansas City and Independence police departments in collaboration with the U.S. Attorney's Office implemented a sting operation entitled “Operation Guardian Angel.”¹⁵⁴ During the undercover operation, human trafficking task force officers placed Internet ads for underage

144. *Id.*

145. 18 U.S.C. § 1961(1) (2006).

146. Ramonas, *supra* note 89.

147. RICO Press Release, *supra* note 67.

148. Mark Morris, *Trafficking in Workers is Alleged*, KANSAS CITY STAR, May 28, 2009, at A1. See also Mark Morris, *Work Visa Program is Rife with Problems*, KANSAS CITY STAR, Dec. 15, 2009, at A1 (analyzing the facts and immigration issues inherent within the Giant Labor Solutions case).

149. See Indictment at 1–6, 20, United States v. Askarkhodjaev, No. 09-00143-01/11-CR-W-ODS (W.D. Mo. Jan. 7, 2010). A superseding indictment was filed on January 7, 2010, charging eleven defendants with 143 criminal counts.

150. *Id.* at 20–21.

151. Morris, *Indictment Alleges Trafficking in Foreign Workers*, *supra* note 148.

152. RICO Press Release, *supra* note 67.

153. Morris, *Indictment Alleges Trafficking in Foreign Workers*, *supra* note 148.

154. Press Release, Office of the U.S. Attorney, W. Dist. Of Mo., Final Defendant Pleads Guilty to Sex Trafficking of a Child (Dec. 18, 2009) [hereinafter Guardian Angel Press Release], <http://www.justice.gov/usao/mow/news2009/mikoloyck.ple.htm>.

prostitutes.¹⁵⁵ The ad on Craigslist entitled “\$young \$\$younger \$\$\$youngest” read “[w]hile there [sic] mommas away these girls will play. My girlfriend is out of town her daughters are ready to play with you. Be the first for the little girls . . .”¹⁵⁶ Investigators said that after placing the ads on Craigslist they were “inundated” with responses.¹⁵⁷ Those who responded to the ads were given directions to an undercover location that was outfitted with audio and video recording devices.¹⁵⁸ When the defendants arrived at the undercover residence and paid cash for a child prostitute, task force officers arrested them.¹⁵⁹

The Operation was designed to satisfy the evidentiary requirements of the TVPA, specifically Sections 1591(a)¹⁶⁰ and 2422(b)¹⁶¹ using the words “obtain” and “entice.”¹⁶² As a result of the investigation, a total of seven defendants were indicted and convicted in the nation’s first federal prosecution of alleged customers of child prostitution under the TVPA.¹⁶³ Recently, the Eighth Circuit upheld a similar conviction.¹⁶⁴ In that case, two defendants were convicted of attempted sex trafficking of a minor after responding to an Internet ad for underage sex posted by undercover law enforcement officers. The Eighth Circuit reasoned, “the ordinary and natural meaning of ‘obtains’ and the other terms Congress selected in drafting §1591 are broad enough to encompass the actions of both suppliers and purchasers of commercial sex acts.”¹⁶⁵

This aggressive investigation by the Western District won both friends and foes. Linda Smith, president of Shared Hope International,¹⁶⁶ praised the office for its bold and innovative investigation.¹⁶⁷ Smith stated, “Innovation will get prosecutions. Now, [the Western District has] a message that [perpetrators]

155. *Id.*

156. Tony Rizzo, *Novel Tack of Child Prostitution Sting Pays Off*, KANSAS CITY STAR, Mar. 11, 2009, at A1; Guardian Angel Press Release, *supra* note 154.

157. Rizzo, *supra* note 156.

158. Guardian Angel Press Release, *supra* note 154.

159. *Id.*

160. 18 U.S.C. § 1591(a) (2006).

161. 18 U.S.C. § 2422(b) (2006).

162. Guardian Angel Press Release, *supra* note 154.

163. *Id.*

164. *United States v. Jungers*, 702 F.3d 1066, 1076 (8th Cir. 2013).

165. *Id.* at 1071. Interestingly, in response to defendants’ argument by analogy that “a drug user is not ever described as a ‘trafficker,’” the court explained, “Congress defined trafficking to include simple drug possession, which may encompass end users- the consumer” under 18 U.S.C. § 924(c)(2). *Id.* at 1072.

166. See *Our Mission and Values*, SHARED HOPE INT’L, <http://sharedhope.org/who-we-are/our-mission-and-values/> (last visited Apr. 22, 2014).

167. Mark Morris, *KC Efforts to Rescue Underage Prostitutes Get Notice*, KANSAS CITY STAR, Aug. 2, 2009, at A1.

will not buy children in our area.”¹⁶⁸ On the other hand, attorney for defendant Steven Mikoloyck, Christopher Angles, stated “[t]he sting operation was so outrageous that it shocks the conscience.”¹⁶⁹ Angles further explained there is no evidence Kansas City Craigslist or any other local media are being used to facilitate underage prostitution.¹⁷⁰ “If the government cannot point to specific instances of underage prostitution being offered on Craigslist or the like,” Angles argued, “then one fact becomes clear: Mikoloyck may have participated, but the government created this crime.”¹⁷¹

iii. Conspiracy Theory- Bagley Case

In September 2010, the Western District filed an indictment against Ed Bagley and other co-conspirators for crimes of sex trafficking.¹⁷² Cited as the most horrific allegations ever prosecuted in the district,¹⁷³ Ed induced a sixteen-year-old runaway, who had grown up in foster care, into his home — a rented trailer home in a wooded area in Southwest Missouri.¹⁷⁴ Ed purportedly promised to make the girl’s “dreams come true” with “a great life,” including a career in modeling and dance.¹⁷⁵ He provided her with a room, television, clothes, and food.¹⁷⁶ The indictment also contended that he groomed the girl for sexual abuse with drugs and sadomasochistic pornography.¹⁷⁷ Just after her eighteenth birthday, in February 2004, Ed had the young woman sign a “sex slavery contract,” which he contended legally bound her to him forever.¹⁷⁸ For the next five years, Ed and his wife, Marilyn, sexually tortured and mutilated the woman with techniques that the indictment describes as “flog[ing],” “whipp[ing],” “shock[ing],” “chok[ing],” “pierc[ing],” “sew[ing],” and “stapling.”¹⁷⁹ The case came to light in February 2009, when paramedics flew the twenty-three-year-old woman to a hospital after Ed allegedly shocked and nearly suffocated her during a torture session.¹⁸⁰

168. *Id.*

169. *Id.*

170. *Id.*

171. *Id.*

172. Superseding Indictment at 5, United States v. Edward Bagley, No. 10-00244-02/04/06-CR-W-DW (W.D. Mo. 2011) [hereinafter *Bagley* Indictment].

173. Mark Morris, *Indictment Alleges Years of Torture, Sexual Abuse*, KANSAS CITY STAR, Sept. 10, 2010, at A1.

174. *Bagley* Indictment, *supra* note 172, at 6.

175. *Id.* at 8.

176. *Id.* at 8.

177. *Id.* at 8–9.

178. *Id.* at 9.

179. *Id.* at 10–12.

180. Morris, *supra* note 173.

Amongst individual charges, the indictment charged all defendants—Ed Bagley (a.k.a., “Master Ed”), Bradley Cook (a.k.a., PutHer2GoodUse), Michael Stokes (a.k.a., The Rodent), James Noel, Dennis Henry, and Marilyn Bagley—with conspiracy, sex trafficking by force, fraud or coercion, and use of an interstate facility to facilitate unlawful activities.¹⁸¹ In December 2011, Cook agreed to accept a twenty-year prison sentence in his plea agreement with prosecutors.¹⁸² In his plea, Cook acknowledged watching Ed sexually abuse and torture the victim; he admitted traveling to Lebanon to participate in the sexual abuse.¹⁸³ Cook also admitted seeing the victim being whipped, confined to a dog cage, tied up, and shocked with electrical devices.¹⁸⁴ He further acknowledged believing that Bagley’s purported abuse of the victim was the “most extreme he had ever seen.”¹⁸⁵ In December 2012, Marilyn Bagley made the admission in court records filed with her guilty plea to a single count of conspiracy to commit commercial sex trafficking.¹⁸⁶ Marilyn’s plea agreement recommended that she be sentenced to probation.¹⁸⁷ Last summer, prosecutors filed a notice with the court explaining they planned to introduce photographs and videos of “sadistic sexual assaults” that Ed Bagley committed on his wife that were similar to the acts he committed on the female victim.¹⁸⁸ As Cordes explained at the hearing, “[Marilyn] is in the unique category of being a victim turned perpetrator.”¹⁸⁹ All other co-conspirators made plea agreements.¹⁹⁰ Recently, Ed Bagley pled guilty and was sentenced to twenty years in prison.¹⁹¹

181. *Bagley Indictment*, *supra* note 172.

182. Mark Morris, *Kirkwood, Mo., Man Pleads Guilty in Sex Torture Case*, KANSAS CITY STAR (Dec. 20, 2011), <http://www.kansascity.com/2011/12/20/3329909/mo-man-pleads-guilty-in-sex-torture.html>.

183. *Id.*

184. *Id.*

185. *Id.*

186. Mark Morris, *Wife Accused in Lebanon, Mo., Sex Slave Case Pleads Guilty*, KANSAS CITY STAR (Dec. 6, 2012), <http://www.kansascity.com/2012/12/06/3951516/wife-accused-in-lebanon-mo-sex.html>.

187. *Id.*

188. *Id.*

189. *Id.*

190. Robert Patrick, *Fourth Man Pleads Guilty in Missouri Sex Slave Case*, ST. LOUIS POST-DISPATCH (Jan. 5, 2012), http://www.stltoday.com/news/local/crime-and-courts/fourth-man-pleads-guilty-in-missouri-sex-slave-case/article_eb826320-37ee-11e1-9a1f-001a4bcf6878.html.

191. Mark Morris, *Missouri Man Admits Grooming Young Woman for Sadomasochism*, KANSAS CITY STAR (Jan. 15, 2013), <http://www.kansascity.com/2013/01/15/4012519/missouri-man-admits-horrific-years.html> (noting more serious counts of conspiracy, sex trafficking, forced labor trafficking, and document servitude were dropped).

3. Criticisms of the Western District's Human Trafficking Rescue Project

While the Western District has prosecuted several groundbreaking and high profile cases,¹⁹² its efforts have not been without criticism. Defense attorneys grumble privately that Cordes is unyielding and slow to turn over case records.¹⁹³ Also, the Western District may be accused of attempting to turn “garden-variety” prostitution cases into human trafficking cases. For example, in what came to be known as the China Rose Case, Johnson County authorities claimed to have rescued fifteen trafficked victims in Asian massage parlors.¹⁹⁴ However, as the case wound through criminal court, more information surfaced.¹⁹⁵ Some women came to Kansas City knowing they would work as prostitutes.¹⁹⁶ However, other women said they had no idea they would be prostituted.¹⁹⁷ Ultimately, prosecutors did not charge the defendants with human trafficking.¹⁹⁸ Melanie Morgan, defense attorney for lead defendant Ling, believes prosecutors tried too hard to make the case into something it was not.¹⁹⁹ “This wasn’t human trafficking,” Morgan said, “This was a very consensual arrangement.”²⁰⁰ Finally, prosecutions brought by Cordes have been criticized as “a remarkably effective cover for the expansion of prosecutorial power.”²⁰¹ Nonetheless, as Mark Morris from the *Kansas City Star* explained, “I’ve covered this office and Cynthia [Cordes] for a long time and my sense is that they’re [prosecuting human trafficking crimes] for the right reason.”²⁰²

4. Power of the Press

Since the Project’s beginnings, no other publication has traced the Western District’s human trafficking task force more closely than the *Kansas City Star* (“*Star*”).²⁰³ Since the commencement of the task force in 2006, the *Star* has

192. See *supra* Part IV.A.2.

193. Mark Morris, *Determined Prosecutor Combats Trafficking with Novel Tactics*, KANSAS CITY STAR, Dec. 14, 2009, at A11.

194. Laura Bauer, *Sex Slavery: The Desperate Plight of Many Women*, KANSAS CITY STAR, Dec. 14, 2009, at A1.

195. *Id.*

196. *Id.*

197. *Id.*

198. *Id.*

199. Bauer, *supra* note 194, at A11.

200. *Id.*

201. Anders Walker, *Strange Traffic: Sex, Slavery, and the Freedom Principle*, 46 CONN. L. REV. 561, 565 n. 17 (2013).

202. Interview with Mark Morris, Reporter, *Kansas City Star*, in *Kansas City, Mo.* (Oct. 22, 2012) [hereinafter Morris Interview] (on file with author).

203. See *supra* notes 102–203 and accompanying text.

mentioned some aspect of human trafficking every month.²⁰⁴ Furthermore, in 2009, the *Star* ran a five-part series on domestic human trafficking entitled “A New Slavery.”²⁰⁵ The series quickly gained national attention and was awarded the Investigative Reporters and Editors Award and the Robert F. Kennedy Journalism Award.²⁰⁶ As explained by Morris, the *Star*’s emphasis on human trafficking began before the Giant Labor Solutions (GLS) case.²⁰⁷ Six months prior to GLS, an editor of the *Star* approached reporter Mike McGraw and asked Mike to begin researching human trafficking.²⁰⁸ When the GLS case came along, the *Star* made it a predominate feature.²⁰⁹ After GLS, human trafficking reports expressed itself in a large way in the *Star*.²¹⁰ As to the effects of such coverage, Cordes explained that publicity of human trafficking crimes in conjunction with outreach equals an informed public.²¹¹ Today, most human trafficking tips to the District come from the public.²¹² Hence, press coverage leads to an informed public, which in turn leads to more human trafficking tips, cases, and prosecutions.²¹³

B. Eastern District

1. Human Trafficking: A Problem in St. Louis

While the Western District has received much attention from the DOJ and others for its prosecutions of human trafficking crimes, the Eastern District is just as prone, if not more prone, to human trafficking crimes as the Western District. In fact, in 2005 the FBI identified St. Louis as one of fourteen field offices having the highest incidence of children used in prostitution.²¹⁴ In 2006, a DOJ report named St. Louis one of the top twenty most trafficked districts in the United States.²¹⁵ Additionally, according to the NHTRC, hotline calls from

204. See Search Result for “human trafficking,” NEWSBANK: ACCESS WORLD NEWS, <http://infoweb.newsbank.com.ezp.slu.edu/> (enter credentials to access the database; then follow “Kansas City Star, The” hyperlink; then search “All Text” for “human trafficking”) (showing a basic search of “human trafficking” on NewsBank Access World News in the Kansas City Star yields over 300 results) (search conducted by author).

205. *Star Journalism Wins Regional and National Awards*, KANSAS CITY STAR, <http://www.kansascity.com/awards/> (last visited Apr. 22, 2014).

206. *Id.*

207. Morris Interview, *supra* note 202.

208. *Id.*

209. *Id.*

210. *Id.*

211. Cordes Interview, *supra* note 5.

212. *Id.*

213. *Id.*

214. *Hearings*, *supra* note 12, at 7.

215. DEP’T OF JUSTICE, *supra* note 13. This recognition was followed by a DOJ invitation to attend the first ever National Training Conference on Human Trafficking in Tampa, Florida. *Id.*

St. Louis consistently outnumber calls from any other region in Missouri.²¹⁶ This has proven true since data reports in 2009.²¹⁷ Although the NHTRC reports are not comprehensive reports on scale or scope of human trafficking within the state, these statistics do provide a revealing glimpse into each district's human trafficking issue.²¹⁸ Furthermore, Manna Freedom, a faith based non-profit organization dedicated to raising awareness of the dangers of human trafficking and to the prevention of teens and children becoming victims of exploitation, named St. Louis one of the ten worst human trafficking cities in the United States.²¹⁹

In addition to this national recognition, local participants confirm St. Louis's human trafficking problem. Sergeant Kavanaugh, investigative police officer for St. Louis County, explains:

Speaking with some of the girls that have cooperated with us, they would come to St. Louis County, St. Charles, and those areas because there was such an issue in Kansas City. They have a big program in Kansas City, so the pimps come here. They make less money, but they feel like they are less likely to get caught.²²⁰

The National Training Conference was designed to introduce the model of victim-centered investigations and the concept of human trafficking prosecutions through the creation of local task forces. *Id.*

216. NAT'L HUMAN TRAFFICKING RES. CTR., CALL DATA BREAKDOWN: MISSOURI STATE REPORT, JANUARY 1-DECEMBER 31, 2009 [hereinafter 2009 BREAKDOWN], available at https://na4.salesforce.com/sfc/p/300000006E4SiPYy.L_d8Z7Uv0jJ7tZYsagMzXw= (showing 21 calls from St. Louis compared to 13 calls from Kansas City); NAT'L HUMAN TRAFFICKING RES. CTR., CALL DATA BREAKDOWN: MISSOURI STATE REPORT, JANUARY 1-DECEMBER 31, 2010 [hereinafter 2010 BREAKDOWN], available at <https://na4.salesforce.com/sfc/p/300000006E4SqXSATuYG3doWHxMoVMKcCAw76qU=> (showing 33 calls from St. Louis compared to 20 calls from Kansas City); NAT'L HUMAN TRAFFICKING RES. CTR., CALL DATA BREAKDOWN: MISSOURI STATE REPORT, JANUARY 1-DECEMBER 31, 2011 [hereinafter 2011 BREAKDOWN], available at <https://na4.salesforce.com/sfc/p/300000006E4STYoy5QeL1L4i9pBTEEN60TXkD9g=> (showing 64 calls made from St. Louis compared to 29 calls from Kansas City); NAT'L HUMAN TRAFFICKING RES. CTR., CALL DATA BREAKDOWN: MISSOURI STATE REPORT, JANUARY 1-DECEMBER 31, 2012 [hereinafter 2012 BREAKDOWN], available at https://na4.salesforce.com/sfc/p/300000006E4S/a/600000004PjO/K6ZIXGIyqH1YeUdB6gL9TQS_FSexMSF0ZZSmTnmHSWM= (showing a total of 80 calls from St. Louis compared to 59 calls from Kansas City) (statement is based on calls from Kansas City and St. Louis).

217. *Id.*

218. *Id.*

219. MANNA FREEDOM, *supra* note 14.

220. Interview with Sergeant Adam Kavanaugh, St. Louis County Police Department, in St. Louis, Mo. (Jan. 7, 2013) [hereinafter Kavanaugh Interview] (on file with author).

Furthermore, Assistant U.S. Attorney Collins revealed handling from twenty to thirty human trafficking cases annually; of those cases, most are domestic victims of sex trafficking.²²¹

As an investigative reporter for Fox 2 News, Chris Hayes has featured several stories about sex trafficking in the St. Louis region.²²² From his research, Hayes explained, “I think we would be alarmed here how many people are exposed to it some way or another.”²²³ Hayes perceives from his sources, including several pimps, that St. Louis’s sex trafficking industry is very organized.²²⁴ In fact, Hayes explained, after airing his first story about sex trafficking, he received a phone call from a pimp unrelated to the story who was panicked the station might uncover his activities.²²⁵ Furthermore, Dedee Lhamon, founder and executive director of the Covering House, adds, “We work with an undercover police officer in the city of St. Louis . . . he says he could rescue three to four girls a day if he had the man-power [and] resources.”²²⁶ Also, Lhamon has received calls from doctors at a local children’s hospital asking when the Covering House will open because they are seeing trafficking cases.²²⁷ However, medical staff cannot get victims to talk without ensuring a safe place to go.²²⁸ Finally, Katie Rhoades, director of Healing Action Network, and a sex trafficking survivor, noted that between March and May of 2012, the network had between twenty and thirty referrals for services in the St. Louis area.²²⁹

There are several reasons to explain St. Louis’s human trafficking problem. First, St. Louis is home to Lambert International Airport, and

221. Collins Interview, *supra* note 69. (Statements expressed by Noelle Collins are her personal views and opinions and should not be interpreted as the opinions or views of the Department of Justice.)

222. See Chris Hayes, *Pimp Luring Suburban Girls into Sex Slavery*, FOX2 NEWS: ST. LOUIS (Oct. 25, 2012), <http://fox2now.com/2012/10/25/pimps-luring-suburban-high-school-girls-into-sex-slavery/>; Chris Hayes, *Fighting Sex Trafficking in St. Louis High Schools*, FOX2NEWS: ST. LOUIS (Oct. 29, 2012), <http://fox2now.com/2012/10/29/sex-trafficking-from-the-streets-to-high-school/>; Chris Hayes, *Nuns Try to Stop Prostitution in St. Louis Hotels*, FOX2 NEWS: ST. LOUIS (Nov. 12, 2012), <http://fox2now.com/2012/11/12/sex-trafficking-in-hotels/>.

223. Telephone Interview with Chris Hayes, Investigative Reporter for Fox 2 News: St. Louis (Nov. 19, 2012) [hereinafter Hayes Interview] (on file with author).

224. *Id.*

225. *Id.*

226. Interview with Dedee Lhamon, Founder and Executive Director, The Covering House, in St. Louis, Mo. (Sept. 19, 2012) [hereinafter Lhamon Interview] (on file with author).

227. *Id.*

228. *Id.*

229. Maggie Crane, *St. Louis Woman Charged with Three Counts of Sex Trafficking*, KMOV: ST. LOUIS (May 22, 2012), <http://www.kmov.com/community/blogs/reporters-blog/St-Louis-woman-charged-with-three-counts-of-sex-trafficking-152849465.html>.

wherever there is an international airport, trafficking increases.²³⁰ Second, within the city of St. Louis, nearly fifty-five percent of high school students do not graduate.²³¹ This leaves minors on the streets truant with no one looking for them.²³² These minors often slip through the cracks and become prime targets for pimps and traffickers promising them a better life.²³³ Third, major trucking companies on both sides of the river make for easy transportation of victims.²³⁴ Fourth, St. Louis has a substantial drug problem;²³⁵ sex trafficking often accompanies drug issues.²³⁶ For example, a mother might swap her child's sexual services for cash to aid her drug addiction.²³⁷ Finally, the close proximity to Southern Illinois, particularly East St. Louis, makes St. Louis a prime target for human trafficking.²³⁸ East St. Louis suffers from extraordinary poverty and, by some measures, the highest per capita violent crime rate in the nation.²³⁹ These elements, coupled with the high prevalence of adult entertainment clubs, make East St. Louis a key breeding ground for human trafficking.²⁴⁰ As Lhamon explains, "the [Mississippi] river divides the states, but it does not divide the issue."²⁴¹

2. U.S. Attorney's Office Response to St. Louis's Human Trafficking Problem

After the National Training Conference on Human Trafficking in July 2004, the Eastern District of Missouri announced its human trafficking task force in September.²⁴² On September 13, 2004, the DOJ conducted a daylong

230. Lhamon Interview, *supra* note 226.

231. ST. LOUIS PUB. SCHS. OFFICE OF ACCOUNTABILITY, DIST. DATA PROFILE: ST. LOUIS PUB. SCHOOLS (2009) (showing St. Louis Public School graduation rate at 45.1 percent).

232. Lhamon Interview, *supra* note 226.

233. *Id.*

234. *Id.*

235. See, e.g., Jim Suhr & Jim Salter, *Heroin Use: Police, Prosecutors Shift to More Aggressive Tactics to Tackle Dangerous Problem*, HUFFINGTON POST (Apr. 14, 2012), http://www.huffingtonpost.com/2012/04/14/heroin-use-police-prosecutors_n_1425678.html.

236. Lhamon Interview, *supra* note 226. See also *infra* note 252-269 and accompanying text.

237. Lhamon Interview, *supra* note 226.

238. Interview with Rosie Lang, Anti-Trafficking Community Coordinator, International Institute of St. Louis, in St. Louis, Mo. (Oct. 15, 2012) [hereinafter Lang Interview] (on file with author).

239. Nicholas Klitzing, *Fixing the Unfixable: Community Prosecution as a Problem-Solving Strategy to Reduce Crime and Restore Order in East St. Louis*, 32 ST. LOUIS U. PUB. L. REV. 157, 159 (2012) (referencing DENNIS MARES, PROJECT SAFE NEIGHBORHOODS, U.S. DEP'T OF JUSTICE, SPATIAL HOMICIDE PATTERNS IN EAST ST. LOUIS, IL 2000-2010, at 3 (2011)).

240. Lang Interview, *supra* note 238.

241. Lhamon Interview, *supra* note 226.

242. Peter Shinkle, *Public's Help Sought in Bringing Sexual Slavery to Light*, ST. LOUIS POST-DISPATCH, Sept. 14, 2004, at B2.

conference in St. Louis.²⁴³ Called “Identifying and Responding to the Problem of Human Trafficking,” the conference was aimed at training federal, state, and local officers, as well as social service providers.²⁴⁴ However, DOJ funding was not provided to the task force.²⁴⁵

Compared to the Western District’s well-documented activities and cases, much of the Eastern District’s task force activities was documented only on its own website until the task force’s page was erased altogether in the summer of 2013.²⁴⁶ Even still, the most recent human trafficking case documented on the District’s then-existing website occurred in 2012.²⁴⁷ In that case, defendant Reginald Williams was arrested and charged with interstate transportation of a minor with the intent to engage in prostitution.²⁴⁸ Williams is alleged to have advertised the sexual services of two minor girls on backpage.com with the intention to transport the sixteen- and seventeen-year-old to the St. Louis and Chicago regions.²⁴⁹ Other cases previously listed on the task force’s website pertain to prostitution rings, sexual assault, and child pornography.²⁵⁰ In fact, of the twelve cases previously listed on the task force’s website, only four cases pertained to human trafficking specifically.²⁵¹

In 2007, the Eastern District brought its first sex trafficking case against defendant Darrill Gray and co-conspirator John Geiler.²⁵² In that case, John Geiler took a girl under eighteen from a motel in Fenton, Missouri, to Jefferson County, Missouri, and provided her with crack cocaine.²⁵³ Geiler then took the victim to locations in Jefferson County and St. Louis to work as a prostitute.²⁵⁴ Geiler ultimately took the victim to a street in St. Louis known for crack sales and prostitution.²⁵⁵ Once there, the victim was turned over to Darrill Gray so

243. *Id.*

244. *Id.*

245. Collins Interview, *supra* note 69.

246. See United States Attorney’s Office, E. Dist. of Mo., <http://www.justice.gov/usao/moe/> (last visited Apr. 22, 2014).

247. See Press Release, F.B.I., St. Louis Div., Area Man Arrested and Charged with Transporting a Minor for Prostitution (Sept. 18, 2012), <http://www.fbi.gov/stlouis/press-release/2012/area-man-charged-arrested-and-charged-with-transporting-a-minor-for-prostitution>.

248. *Id.* (in violation of 18 U.S.C. § 2423(a) (2012)).

249. *Id.*

250. See Press Release, U.S. Attorney’s Office E. Dist. of Mo., Human Trafficking Press Releases, http://www.justice.gov/usao/moe/human_trafficking.html (last visited Feb. 14, 2013) (website no longer available as of Apr. 22, 2014).

251. See *id.*

252. See Press Release, U.S. Attorney’s Office E. Dist. of Mo., Human Trafficking Press Release on Darrill Gray and John Geiler (Sept. 14, 2007) (on file with author).

253. *Id.*

254. *Id.*

255. *Id.*

that she could work as a prostitute to pay off Geiler's drug debt.²⁵⁶ Darrill Gray provided the victim with crack and kept her in his house while she worked as a prostitute.²⁵⁷ The victim wanted to leave, but Gray attempted to prevent her from leaving his house.²⁵⁸ The victim left with a man who agreed to give Gray crack cocaine.²⁵⁹ The man took the victim to a shelter.²⁶⁰ Gray and Geiler were sentenced to sixty months and forty-five months respectively.²⁶¹

Two years later, the Eastern District brought charges against defendant Waquita Wallace.²⁶² In June 2008, April Chaney moved in with her sister, Waquita Wallace, in St. Louis.²⁶³ That same month, Chaney and Wallace persuaded a mentally disabled eighteen-year-old girl to move in with them so they could care for her.²⁶⁴ Instead, the girl was held captive, forced to give up her monthly disability check, and coerced to work as a prostitute to pay off a drug debt.²⁶⁵ Wallace constantly threatened, beat, burned, tortured, and humiliated the victim.²⁶⁶ On one occasion, Wallace was afraid the police were called, so she and Chaney tied up the girl with a phone cord and left her in the garage.²⁶⁷ Wallace was sentenced to twenty years in prison on charges of sex trafficking.²⁶⁸

3. Community Response to St. Louis's Human Trafficking Problem

In 2005, the St. Louis Rescue and Restore Coalition was formed, led by the International Institute of St. Louis.²⁶⁹ The Coalition established the goal of providing education and outreach pertaining to human trafficking in the area.²⁷⁰ From 2005 to 2008, over 150 local agencies made a commitment to join in the effort against human trafficking within the St. Louis community.²⁷¹

256. *Id.*

257. *Id.*

258. See Press Release, U.S. Attorney's Office E. Dist. of Mo., *supra* note 252.

259. *Id.*

260. *Id.*

261. *Id.* Additional information regarding Gray's plea agreement may be found at Gray v. United States, No. 4:09CV0263 JCH, 2011 WL 835141, at *1-2 (E.D. Mo. Mar. 4, 2011).

262. See Press Release, U.S. Attorney's Office E. Dist. of Mo., Human Trafficking Press Releases, *Waquita Wallace* (Jul. 22, 2009) (on file with author).

263. *Id.*

264. *Id.*

265. *Id.*

266. *Id.*

267. *Id.*

268. See Press Release, U.S. Attorney's Office E. Dist. of Mo., St. Louis Woman Sentenced On Federal Sex Trafficking Charges, *supra* note 262; U.S. v. Wallace, 605 F.3d 477, 478 (8th Cir. 2010).

269. ST. LOUIS RESCUE AND RESTORE COAL., STRATEGIC PLAN: 2010-2012, at 1 (2010).

270. *Id.*

271. *Id.*

During this period, the coalition developed outreach materials, including tip cards, in addition to the materials developed by the Rescue and Restore Campaign, an HSS initiative.²⁷² In 2006, the International Institute, partnering with Catholic Charities Southside Center and Legal Services of Eastern Missouri, was awarded a grant to provide victim services to individuals identified as human trafficking victims.²⁷³ Available services included intensive case management, mental health counseling, advocacy, referrals to resources, support, and immigration legal assistance.²⁷⁴ The grant expired in February 2012.²⁷⁵

In 2011, the International Institute of St. Louis received funds to support three non-governmental organizations in the establishment and management of four grassroots coalitions throughout Eastern Missouri and Southern Illinois.²⁷⁶ This collection of coalitions creates the Eastern Missouri, Southern Illinois Rescue and Restore Consortium.²⁷⁷ Of the four grassroots coalitions, three are located in Eastern Missouri (Northeastern Missouri, Central Eastern Missouri, and Southeastern Missouri); one coalition is located in Southwestern Illinois.²⁷⁸

The overarching mission of the St. Louis Rescue and Restore Coalition (“Central Eastern Missouri Coalition”) is to build a community movement to respond to human trafficking through public advocacy, training, and outreach strategies.²⁷⁹ In developing its overall goals for 2010–2012, the Coalition analyzed its needs by using the Strengths, Weakness, Opportunities, and Threats (SWOT) analysis model.²⁸⁰ The Coalition found that while one of its strengths included human trafficking being on the community’s radar, there was a disconnect from the national scene due to lack of local information.²⁸¹ Other weaknesses found included: not knowing the numbers specific to human trafficking in St. Louis, lack of knowledge in law enforcement, government databases not allowing for identification of human trafficking, and no unified

272. *Id.*

273. *Id.*

274. *Id.*

275. Lang Interview, *supra* note 238.

276. ST. LOUIS RESCUE AND RESTORE COAL., EASTERN MISSOURI, SOUTHERN ILLINOIS RESCUE AND RESTORE CONSORTIUM 1 (2011). This project is supported by Grant No. 90ZV0095 awarded by the Rescue and Restore Victims of Human Trafficking Regional Program, Anti-Trafficking in Persons Division, Office of Refugee/ACF, and the U.S. Department of Health and Human Services (HHS). *Id.*

277. *Id.* The three supported non-governmental organizations include United Migrant Opportunity Services (UMOS), Catholic Charities Southside Center, and Hoyleton Youth & Family Services- Puentes de Esperanza. *Id.*

278. *Id.*

279. ST. LOUIS RESCUE & RESTORE COAL., *supra* note 269.

280. *Id.* at 3.

281. *Id.*

law enforcement response.²⁸² Opportunities identified were training for law enforcement, social services and schools, community education, and outreach to hotels, restaurants, and truck drivers.²⁸³ To remedy these issues, the Coalition's 2010-2012 goals became 1) increase awareness about human trafficking in the community, 2) develop strategic partnerships with individuals likely to come in contact with human trafficking victims, and 3) increase the status of anti-human trafficking efforts as a legislative priority.²⁸⁴ Recently, the Coalition's efforts have manifested themselves through sex trafficking awareness events, Human Trafficking 101 trainings, truckers awareness events at rest stops on the border of Missouri and Illinois, and a night honoring victims of human trafficking with guest speaker Noelle Collins from the U.S. Attorney's Office.²⁸⁵

In addition to the organized efforts of the St. Louis Coalition, several concerned citizens have personally taken up the fight against St. Louis's human trafficking problem.²⁸⁶ For example, founder and executive director of the Covering House, Lhamon, has worked for several years to open a home for sex trafficked and sexually exploited minor girls.²⁸⁷ Initially, Lhamon's plan was to open a home for eight to ten girls and provide holistic care for their recovery, including group therapy, education, counseling, life skills, and basic needs.²⁸⁸ However, while searching for the perfect home, calls were flooding in for services.²⁸⁹ Because of the high demand for services, Lhamon decided to offer out-client services first while continuing the search for a home.²⁹⁰ The Covering House's out-client services began in January 2013.²⁹¹

Kimberly Ritter and the Sisters of St. Joseph have also made a targeted effort to combat human trafficking in the St. Louis area. Ritter and her co-workers at Nix Conference & Meeting Management have begun pressuring

282. *Id.*

283. *Id.* at 4. Additionally, threats to the Coalition's activities included: economic climate (in terms of funding), lack of willingness by law enforcement to see human trafficking as human trafficking or to recognize the issue as a priority, and the ease of Internet access in terms of facilitating exploitation. *Id.*

284. ST. LOUIS RESCUE & RESTORE COAL., *supra* note 269, at 4.

285. *See* St. Louis Rescue & Restore Coal., Meeting Agenda (Sept. 14, 2012); St. Louis Rescue & Restore Coal., Meeting Minutes (Sept. 14, 2012); St. Louis Rescue & Restore Coal., Meeting Agenda (Nov. 9, 2012).

286. *See, e.g.,* Lhamon Interview, *supra* note 226.

287. Lhamon Interview, *supra* note 226.

288. *Id.*

289. *Id.*

290. *Id.*

291. *See* Press Release, International Crisis Aid, U.S. Safe Home for Girls Rescued from Human (Sex) Trafficking (Dec. 7, 2012) (on file with author) (on December 7, 2012, International Crisis Aid of St. Louis opened the city's first Safe Home for domestic victims of sex trafficking).

local hotels they do business with to sign a code of conduct to protect children from trafficking.²⁹² A version of the code initially was established by the human rights organization End Child Prostitution and Trafficking (ECPAT USA).²⁹³ Under it, those in the national and international tourism and hospitality industry—typically chambers of commerce and travel trade groups—pledge to establish policies against sex trafficking, hold training sessions for staff, and provide information about their policies to customers and affiliates.²⁹⁴ As a longtime client of Nix, the U.S. Federation of the Sisters of St. Joseph told Ritter it would only book a hotel with an anti-human trafficking policy for its national conferences.²⁹⁵ In July 2012, the Millennium Hotel St. Louis signed the code.²⁹⁶

4. Power of the Press to Diminish the Human Trafficking Problem

Unlike the *Kansas City Star*, which has played a pivotal role in educating the Kansas City public about human trafficking, St. Louis news coverage on human trafficking has been minimal. The same search tool used for human trafficking articles in the *Star* yielding 300 results produced only 138 results in the *St. Louis Post-Dispatch*.²⁹⁷ And, while most of the *Star* articles pertain to local efforts undertaken by the U.S. Attorney's Office to combat human trafficking, the *St. Louis Post-Dispatch* mainly features human trafficking in articles of national news, letters to the editor, or community involvement.²⁹⁸ In fact, the Eastern District's task force has only been mentioned twice—an article about the Geiler and Gray case and an article announcing the task force's establishment.²⁹⁹

Additionally, less-circulated news sources, particularly the *Riverfront Times* and the *St. Louis Beacon*, have downplayed the local problem. For example, the *St. Louis Beacon* ran only one article pertaining to human trafficking; the article features the efforts of the Sisters of St. Joseph and their

292. Nancy Cambria, *Trafficking: Hotels Enlisted to Fight Sex Trade*, ST. LOUIS POST DISPATCH, Jan. 29, 2012, at A1.

293. *Id.* at A5.

294. *Id.*

295. *Id.*

296. *Id.*

297. See Search Result for "human trafficking," NEWSBANK: ACCESS WORLD NEWS, <http://infoweb.newsbank.com.ezp.slu.edu/> (enter credentials to access the database; then follow "St. Louis Post-Dispatch" hyperlink; then search "All Text" for "human trafficking") (showing a basic search of "human trafficking" on NewsBank Access World News in the St. Louis Post-Dispatch yields 138 results) (search conducted by author).

298. See, e.g., Alicia Caldwell, *U.S. Targets Central American Gang*, ST. LOUIS POST-DISPATCH, Oct. 12, 2012, at A7 (describing MS-13 gang member involvement in human trafficking nationally); Cambria, *supra* note 293.

299. See Shinkle, *supra* note 242; Heather Ratcliffe, *Two Men Accused of Forcing Girl into Prostitution*, ST. LOUIS POST-DISPATCH, Mar. 31, 2007, at A18.

work with Kimberly Ritter.³⁰⁰ Furthermore, the *Riverfront Times*, St. Louis's alternative newsweekly, ran an article in November 2011 about a John Jay College study in New York.³⁰¹ The study found that in New York City the typical minor who is commercially exploited for sex is not a teenaged girl, has not been sold into sexual slavery, and is not held captive by a pimp.³⁰² The article emphasizes early returns of additional studies by the same researchers suggest the scarcity of pimps revealed by the New York study appears not to be a coincidence.³⁰³ At the time of the article's publication the *Riverfront Times* was owned by Village Voice Media, which also owned Backpage.com ("Backpage").³⁰⁴ After Craigslist responded to public pressure and banned sexually related advertising from its website in September 2010, a significant portion of the estimated forty-four million dollars in sex-related advertising on Craigslist found a home on Backpage.³⁰⁵ While acknowledging an obvious conflict of interest, the newspaper explained, "we looked at the 'science' behind many of these activists' claims, and the media's willingness, without question, to regurgitate a litany of incredible statistics. In the interest of a more informed discussion, we decided to write."³⁰⁶ In September 2012, Village Voice and its thirteen weekly newspapers, including the *Riverfront Times*, were sold without Backpage; the website continues to be run by owners Jim Larkin and Michael Lacey.³⁰⁷

Interestingly, the biggest press proponent of combating human trafficking in the St. Louis area has been television news. Recently, FOX 2 News ran a three-piece series about sex trafficking in the city.³⁰⁸ The pieces showcased suburban high school girls at risk of sex trafficking, outreach to local at-risk high school students, and Kimberly Ritter's efforts to stop human trafficking in

300. See Virginia Gilbert, *Meeting Planners Enlist in Effort to Stop Human Trafficking*, ST. LOUIS BEACON (Jan. 1, 2012), https://www.stlbeacon.org/#!/content/14306/meeting_planners_enlist_in_effort_to_stop_human_trafficking.

301. See Kristen Hinman, *Lost Boys: New Research Demolishes the Stereotype of the Underage Sex Worker — and Sparks an Outbreak of Denial Among Child-Sex-Trafficking Alarmists Nationwide*, RIVERFRONT TIMES (Nov. 3, 2011), <http://www.riverfronttimes.com/content/printVersion/1483741/>.

302. *Id.*

303. *Id.*

304. *Id.*

305. David Carr, *Fighting Over Online Sex Ads*, N.Y. TIMES, Oct. 31, 2011, at B1, available at <http://www.nytimes.com/2011/10/31/business/media/backpagecom-confronts-new-fight-over-online-sex-ads.html?adxnnl=1&pagewanted=all&adxnnlx=1360944454-JS9qCoj4sp66KDzWUxwm3w>.

306. See Hinman, *supra* note 301.

307. Associated Press, *Village Voice Being Sold; Backpage.com Left Behind* (Sept. 24, 2012), <http://news.yahoo.com/village-voice-being-sold-backpage-com-left-behind-112118441--finance.html>.

308. See sources cited *supra* note 222.

St. Louis hotels.³⁰⁹ Additionally, KMOV 4 News has run several pieces showcasing the human trafficking problem in St. Louis.³¹⁰

V. LESSONS LEARNED FROM MISSOURI'S HUMAN TRAFFICKING TASK FORCES

A. U.S. Attorneys' Offices Determine Priorities from Within

As demonstrated by the Western District's beginnings, U.S. Attorneys set the initiatives to be pursued within each U.S. Attorney's office. As former U.S. Attorney Schlozman notes, "[a]t the end of the day, the initiatives [U.S. Attorneys] pursue are predicated on what [their] priorities are."³¹¹ In the Western District of Missouri, Brad Schlozman determined human trafficking to be a priority.³¹² He appointed Cynthia Cordes as point-person on the project and used his experience in the Civil Rights Division to establish a task force.³¹³ Shortly thereafter, training of local law enforcement began and cases were prosecuted.³¹⁴ As Cordes explained, it is not that human trafficking occurs more in the Western District than anywhere else, "it's that we're looking for it."³¹⁵ Therefore, the first, and perhaps most important, step to a successful human trafficking task force is for the U.S. Attorney to establish the task force as a major office priority.

As demonstrated by the Eastern District, priorities from outside U.S. Attorneys' offices are slow to make prosecutorial change.³¹⁶ Despite valiant efforts from the St. Louis Rescue and Restore Coalition and other social service providers, victim identification is minimal.³¹⁷ Because victims are rarely identified, few cases are referred to the U.S. Attorney's Office, and even fewer cases are being prosecuted. While, to its credit, the Eastern District's Office has designated an Assistant U.S. Attorney specifically for the prosecution of human trafficking cases,³¹⁸ more priority must be given to the Human Trafficking Task Force as part of the Office's top initiatives.

309. See sources cited *supra* note 222.

310. See Larry Conners, *Police: Men Seeking Prostitutes are Looking for Younger and Younger Girls*, KMOV: ST. LOUIS 4 (Nov. 27, 2012), available at <http://www.kmov.com/news/local/Police--181077461.html>; *Man, Woman Charged with Luring Teens into Prostitution in St. Peters* (KMOV News broadcast Jun. 25, 2012), available at <http://www.kmov.com/news/local/Man-woman-charged-with-luring-2-teens-into-prostitution-in-St-Peters-160293845.html>.

311. Schlozman Interview, *supra* note 98.

312. See discussion *supra* Part IV.A.1.

313. See discussion *supra* Part IV.A.1.

314. See discussion *supra* Part IV.A.1.

315. Cordes Interview, *supra* note 5.

316. See discussion *supra* Part IV.B.

317. See generally ST. LOUIS RESCUE & RESTORE COALITION, ST. LOUIS RESCUE AND RESTORE COALITION: 2013 PROGRAM PLAN (Jan. 11, 2013) (on file with author).

318. As mentioned in note 68, Noelle Collins accepted a position as magistrate judge in late 2013. At the time of this publication, no other Assistant U.S. Attorney has been publicly

B. U.S. Attorneys' Offices Quick to Respond and Implement DOJ Initiatives are "Rewarded" by Grants & Pilot Programs

The Western District's task force was established when DOJ priority of human trafficking cases was at its height. Demonstration of need could not be deliberately made in its grant proposal because the Western District had only prosecuted its first human trafficking case four months before receiving DOJ funding.³¹⁹ Nevertheless, the Western District was awarded two \$450,000 grants.³²⁰ Once the task force demonstrated great success, the Western District was securely on the DOJ's radar as evidenced by the DOJ approaching the Western District to apply for the ACTeam pilot program.³²¹ After an internal competition amongst other districts, the DOJ named the Western District one of six cities to launch its ACTeam initiative.³²² Therefore, in order to secure DOJ funds or gain DOJ attention, it is most effective for U.S. Attorneys' offices to immediately begin implementing DOJ desired initiatives. Doing so may open up possibilities of program funding and honorary distinctions.

C. Task Forces Most Generously Funded Prior to 2008 Were Not Required to Demonstrate Need

At the time DOJ grants were announced for the Western District's task force, the DOJ acknowledged the Eastern District's human trafficking problem.³²³ Despite this acknowledgement, the Eastern District's task force was not funded.³²⁴ Reasons for this discrepancy may include: grant-writing ability, internal DOJ connections through newly appointed U.S. Attorney Brad Schlozman in the Western District, and/or DOJ knowledge of the Western District's newly announced priority of human trafficking. Whatever reasons for the discrepancy, it is clear the DOJ did not base its funding on demonstrated need.

As a possible explanation, Johnny McGaha notes, "[a]cross the U.S., over [forty] local human trafficking task forces were established with federal aid but it was not until January 2008 that these task forces were required to enter data with the Bureau of Justice Statistics."³²⁵ The lack of accountability regarding

appointed to replace her position as leader of the Human Trafficking Task Force. Additionally, the Eastern District's website has removed "human trafficking" from its list of programs. These actions by the Eastern District convey that human trafficking prosecutions are becoming even less of a priority.

319. Schlozman Interview, *supra* note 98.

320. See *supra* note 10 and accompanying text.

321. See discussion *supra* Part IV.A.1.

322. See ACTeam Announcement, *supra* note 131.

323. See *supra* notes 10–15 and accompanying text.

324. See Collins Interview, *supra* note 69; text accompanying note 245.

325. McGaha & Evans, *supra* note 90, at 247.

data meant that funds dispersed prior to 2008 had few restrictions on how they were used.³²⁶ In essence, funds were being dispensed without accurate data on the number of human trafficking victims.³²⁷ As a result, tax dollars were used to provide solutions before the extent of the problem was known.³²⁸ Now, however, task forces are required to demonstrate need of task force funding.³²⁹ Unfortunately, as we will see in lesson four, demonstrated need may be near impossible without the necessary funds to unveil cases.³³⁰

D. Law Enforcement Funding is Crucial to the Success of Human Trafficking Task Forces

Once the Western District's task force received funding, a local law enforcement agency was able to hire several detectives and cases were uncovered.³³¹ This fact illustrates the dire need of law enforcement funding in the area of human trafficking. As Sergeant Kavanaugh of the St. Louis County Police Department explained, "funding would allow us to bring in more bodies . . . more bodies means more cases."³³² The Western District illustrates how law enforcement funding may jump-start an unveiling of local human trafficking crimes.

The following model of success was found in the Western District: law enforcement agency was funded,³³³ funds allowed more man-power,³³⁴ more man-power uncovered cases,³³⁵ cases were prosecuted by the U.S. Attorney's Office,³³⁶ those cases caught the media's attention,³³⁷ and media attention allowed for a more informed public.³³⁸ Today, most human trafficking leads in the Western District come from the public.³³⁹ However, the reverse has proven true in the Eastern District: law enforcement agencies are not funded,³⁴⁰ and man-power and resources are lacking.³⁴¹ This lack of resources has produced

326. *Id.*

327. *Id.*

328. *Id.*

329. Collins Interview, *supra* note 69 (explaining how the Eastern District is trying to assemble data for DOJ task force grants).

330. See discussion *infra* Part V.4.

331. See discussion *supra* Part IV.A.1–2.

332. Kavanaugh Interview, *supra* note 220.

333. See *supra* note 10 and accompanying text; see also Cordes Interview, *supra* note 5.

334. Cordes Interview, *supra* note 5.

335. See discussion *supra* Part IV.A.2.

336. See discussion *supra* Part IV.A.2.

337. See discussion *supra* Part IV.A.4.

338. See discussion *supra* Part IV.A.4.

339. Cordes interview, *supra* note 5.

340. Lhamon Interview, *supra* note 226.

341. Kavanaugh Interview, *supra* note 220.

few investigations,³⁴² and fewer cases have been prosecuted. Those few cases have received little to no media attention,³⁴³ and little media attention means a less informed public. Today, few, if any, leads in the Eastern District come from the public. Instead, most human trafficking leads come from social service providers.³⁴⁴

Social service providers and the Rescue and Restore Coalition in the Eastern District have attempted other avenues of success outside the Western District's model, but the Coalition's model has produced few results.³⁴⁵ The following is the Coalition's model for success: coalition gets funded,³⁴⁶ coalition organizes outreach and awareness events,³⁴⁷ through these events and accompanying media attention the public is educated, an informed public will identify victims of human trafficking. However, the Coalition has struggled to accomplish its ultimate goal of victim identification.³⁴⁸ The Eastern District's model has made it too easy for the media to ignore a relatively small number of concerned citizens. The public has not become educated and, ultimately, victims have not been identified. Due to a lack of media attention upon concrete cases in the Eastern District, the Coalition's activities may appear sensationalized to the public.

Given the problem of human trafficking in St. Louis, the DOJ should shift its focus and resources toward the Eastern District. Due to the influx of human trafficking resulting from the Western District's crackdown, in addition to the DOJ-acknowledged human trafficking problem in the Eastern District, which is confirmed by local participants, the time is ripe for DOJ task force funding in the Eastern District.³⁴⁹ Funding for law enforcement would allow the employment of more detectives, which would mean more cases prosecuted.³⁵⁰ Prosecuted cases would lead to media attention; media attention informs the public, who then become invaluable assets in detecting human trafficking

342. See discussion *supra* Part IV.B. 1–2.

343. See discussion *supra* Part IV.B.4.

344. Collins Interview, *supra* note 69. See also discussion *supra* Part IV.B.3.

345. See discussion *supra* Part IV.B.3.

346. See *supra* notes 269–75 and accompanying text.

347. See discussion *supra* Part IV.B.3.

348. See *supra* note 317 and accompanying text.

349. See discussion *supra* Part IV.B. Recognizing a need for funding in the St. Louis region, the DOJ awarded St. Louis agencies one million dollars to combat human trafficking in September 2013. The grant is to be shared amongst the St. Louis County Police Department, St. Charles County Sheriff's Department, and three local social service providers. See Press Release, Office of the U.S. Attorney, E. Dist. of Mo., Area Agencies Will Share \$1 Million Grant to Combat Human Trafficking (Sept. 18, 2013) http://www.justice.gov/usao/moe/news/2013/sep-tember/human_trafficking.html (on file with author). Interestingly, the grant comes at a time when there is no appointed Assistant U.S. Attorney leader of the Eastern District's task force. See *supra* note 319.

350. Kavanaugh Interview, *supra* note 220. See also *supra* text accompanying note 332.

crimes. In other words, if law enforcement in the Eastern District were funded, it would trigger the Western District's model of task force success. Without this funding, law enforcement will continue to pursue human trafficking cases in addition to their already-stretched resources, and human trafficking crimes within the Eastern District will persist.

While it may be impossible for the DOJ to extend funds to all task forces, training of law enforcement may also prove as a successful trigger to the Western District's model of task force success. Cordes, for example, attributes the first human trafficking case brought by the District to training she started immediately after the task force was formed.³⁵¹ St. Louis County Police Sergeant Kavanaugh echoes the need for such training in St. Louis.³⁵² However, as Kavanaugh points out, "you can train people all day long," but ultimately more police employees are needed to produce cases.³⁵³

E. The Essential Elements of a Task Force's Success: Media and an Attorney with Gumption

Put succinctly, the press can make or break a human trafficking task force. In the Western District, the *Kansas City Star* has followed the task force's every move.³⁵⁴ From the task force's creation, to its successful prosecutions and self-initiated features, the *Kansas City Star* has done more to inform the city's public about human trafficking than any single factor in the Western District. Although unorthodox for a U.S. Attorney's office to place itself in the public eye, this strategy has proven nothing but beneficial to the Western District's task force.

Why the *Kansas City Star* has made human trafficking a priority is unclear. However, the innovative and creative prosecutions by Assistant U.S. Attorney Cynthia Cordes have made it hard for the *Kansas City Star* to ignore. Cordes has been described as a "spark-plug" with an enormous amount of energy; a woman of extreme intellect, organization, and keen ability to work with victims.³⁵⁵ In fact, Cordes' presence is the most often cited reason for the task force's success.³⁵⁶ Therefore, the last step in composing a successful task force, is hiring the appropriate U.S. Attorney Coordinator with passion and drive, who will think creatively within the bounds of the TVPA. If an attorney

351. Cordes Interview, *supra* note 5.

352. See Kavanaugh Interview, *supra* note 220 (explaining further that the lack of training here in the Midwest has led the St. Louis County Police to partner with the Las Vegas Police Department who are customizing trainings for the St. Louis County Police).

353. Kavanaugh Interview, *supra* note 220.

354. See discussion *supra* Part IV.A.4.

355. See Schlozman Interview, *supra* note 98; Interview with Judge Matt Whitworth, Former Interim U.S. Attorney, W. Dist. Of Mo., in Jefferson City, Mo. (Oct. 23, 2012) [hereinafter Whitworth Interview] (on file with author).

356. See, e.g., Schlozman Interview, *supra* note 98; Whitmore Interview, *supra* note 355.

with gumption leads the task force, she will make certain the task force and its activities are not ignored.

CONCLUSION

The tale of Missouri's two districts demonstrates the essential role task forces play in the prosecution of human trafficking crimes. As we have seen, motivated prosecutors who make trafficking a priority can make a significant difference in the rate of convictions, particularly if they are willing to implement innovative methods. The Western District has done this, focusing its energy on law enforcement and creative uses of the TVPA to prosecute perpetrators. Meanwhile, the Eastern District has proved less successful in achieving convictions, focusing its energy on victim services and public awareness events. Ultimately, the Western District has become one of the nation's leaders in human trafficking prosecutions, while the Eastern District's human trafficking problem continues to grow. In fact, evidence suggests that traffickers might even be moving to the Eastern District to avoid the Western District's reach. Within the Eastern District, the Rescue and Restore Consortium and concerned citizens are attempting to remedy the problem by providing awareness and victim services, but these efforts will only help the symptoms, not the root, of the problem. In order to get to the root of St. Louis's human trafficking problem, DOJ funds must be awarded to local law enforcement agencies for additional manpower and resources, the U.S. Attorney's Office must make human trafficking a top priority, and the Assistant U.S. Attorney must show gumption and creativity in applying the TVPA. Doing these things will make news, which in turn will lead to a more informed public. Only when these elements are in place will the St. Louis region and the Eastern District of Missouri see true progress in the fight against human trafficking.

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